

AMENDMENT UNDER 37 C.F.R. § 1.116
U.S. Patent Application No. 09/425,617

REMARKS

Reconsideration and allowance of the subject application are respectfully requested. By this Amendment, Applicant has canceled claims 5, 6 and 12-14, thereby leaving claims 1-4 and 7-11 pending in the application. In response to the Office Action (Paper No. 8), Applicant respectfully submits that the pending claims define patentable subject matter.

In the Office Action, claims 1-3, 5, 6 and 11-14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over newly cited Silverbrook (U.S. Patent No. 6,476,863) in view of newly cited Cullen et al. (U.S. Patent No. 5,781,665; hereafter “Cullen”). Claim 4 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Silverbrook in view of Cullen and McIntyre (U.S. Patent No. 6,191,815). Claims 7-9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Silverbrook in view of Cullen and Douglas (U.S. Patent No. 5,946,031). Claim 10 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Silverbrook in view of Cullen and Suzuki (U.S. Patent No. 5,847,836). Applicant respectfully traverses the prior art rejections.

By this Amendment, Applicant has amended independent claim 1 to incorporate the subject matter of dependent claims 5 and 6. In particular, claim 1 now recites:

a mode selection device for selecting a normal mode for driving the printing means on the basis of the image data of the image frame to print a picture frame corresponding to the image frame, or a second mode for making an identification photograph for identifying a person by driving the printing means on the basis of the image data processed by the image processing means to print a picture frame containing the human subject with the blanked background; and

AMENDMENT UNDER 37 C.F.R. § 1.116
U.S. Patent Application No. 09/425,617

a selection device for selecting a type of the identification photograph to make from among predetermined options, wherein the size and position of the human subject and a picture frame size are automatically designated by the selected type of identification photograph, and the size and position of the human subject and the picture frame size are stored in an internal memory.

Applicant respectfully submits that the combination of Silverbrook and Cullen does not teach or suggest these features of amended claim 1.

Silverbrook discloses a camera including a removable card ("Artcard") which functions as a user interface for manipulating and enhancing images captured by the camera, and a printer for printing images recorded by the camera and processed in accordance with specifications stored on the card. A visual representation of the effect the card will have on the printed output of the camera is provided on one face of the card and an encoded representation of an effect (a Vark script defining an image processing style) to be read by a sensing device of the camera and decoded so as to produce the effect is provided on the other face of the card. By inserting the card in a reader in the side of camera, an output image is distorted in the same manner as the distortion appearing on the surface of card. The Vark script provided on the card includes facilities for handling many image processing functions including image warping via a warp map, convolution, color lookup tables, posterizing an image, adding noise to an image, image enhancement filters, painting algorithms, brush jittering and manipulation edge detection filters, tiling, illumination via light sources, bump maps, text, face detection and object detection attributes, fonts, including three dimensional fonts, and arbitrary complexity pre-rendered icons.

AMENDMENT UNDER 37 C.F.R. § 1.116
U.S. Patent Application No. 09/425,617

Cullen discloses a method and apparatus for cropping an image in digital form in order to remove the image background. The image to be cropped is represented as a first digital array which is operated on by an edge enhancement transformation to generate a second, binary digital array wherein edges of the image are emphasized. The second digital array is then partitioned into predetermined segments which are typically rows and columns of the array and the pixel values of each row and column are summed to generate brightness sums. The second digital array is then partitioned into a first, brighter, central group of rows and a second, less bright group consisting of upper and lower borders of rows; and a third, brighter, central group of column and left and right borders of columns in accordance with predetermined criteria relating to the brightness sums. The boundaries between the borders and the central groups are then applied to the first digital array and only those pixel values corresponding to pixel values common to the first and third groups are output to generate a cropped image.

With regard to independent claim 1, the Examiner maintains that Silverbrook discloses all of the features of the claimed invention except for “extracting image data pieces representative of the human subject and print[ing] the human subject onto the recording medium without including any background subject for photo ID printing purpose[s]”, which the Examiner asserts is disclosed by Cullen. Further, the Examiner alleges Cullen discloses the subject matter of dependent claim 6 because Cullen discloses “making an ID photograph that is used for identifying a person (See col. 1, lines 15-23).”

AMENDMENT UNDER 37 C.F.R. § 1.116
U.S. Patent Application No. 09/425,617

However, the section of Cullen (col. 1, lines 15-23) cited by the Examiner simply discusses U.S. Patent No. 5,420,924 which discloses an identification card including an image of a person to be identified together and an encrypted digital representation of the image which is stored on the card in the form of a two dimensional barcode. Although Cullen discloses an apparatus and method for cropping an image to remove portions of the image which contain relatively little detail (i.e., cropping an image of a person's face to remove the background), the reference does not teach or suggest "a selection device for selecting a type of the identification photograph to make from among predetermined options, wherein the size and position of the human subject and a picture frame size are automatically designated by the selected type of identification photograph, and the size and position of the human subject and the picture frame size are stored in an internal memory", as claimed.

Further, although Silverbrook indicates that the camera may be used to produce passport photos (column 10, lines 35 and 36), the reference does not provide any further details directed to passport photography.

Accordingly, Applicant respectfully submits that independent claim 1, as well as dependent claims 2-4 and 7-11, should be allowable because the cited references, alone or combined, do not teach or suggest all of the features of the claims.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone

AMENDMENT UNDER 37 C.F.R. § 1.116
U.S. Patent Application No. 09/425,617

interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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